

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Docket No.
)	04-10074-JLT
PHILLIP HYDE,)	
)	
Defendant,)	
)	
and)	
)	
BICKNELL & SMITH,)	
)	
Garnishee)	

**JOINT MOTION FOR SANCTIONS, OR, IN THE
ALTERNATIVE, TO COMPEL GARNISHEE TO TURN OVER FUNDS**

The United States of America (the “United States”) and The Board of Trustees of the Public School Teachers’ Pension and Retirement Fund of Chicago (the “Fund”) (collectively “Movants”), hereby jointly move for sanctions against Garnishee Bicknell & Smith, LLP (“Bicknell & Smith”) on account of its failure to turn over funds (the “Proceeds”) held by Bicknell & Smith for the benefit of Defendant Philip Hyde (“Hyde”) to the Clerk of the United States District Court. Notwithstanding (i) this Court’s November 2, 2005 Order authorizing the United States to garnish the Proceeds, and (ii) the request of the United States for the turnover of the Proceeds, Bicknell & Smith has failed to do so. Accordingly, the United States and the Fund (collectively “Movants”), hereby jointly request that the Court enter an order compelling Bicknell & Smith to immediately turn over all of the Proceeds to the Clerk’s Office of the United

States District Court, and awarding interest from the date of demand for the Proceeds, as well as the costs and attorneys' fees associated with making this motion.

In accordance with Local Rules 7.1 and 112.1, counsel for the Fund has conferred with counsel for Hyde and the United States Attorney's Office in advance of filing this motion, but could not narrow or resolve the issues presented herein.

Dated: January 17, 2006

Respectfully submitted,

THE BOARD OF TRUSTEES OF THE PUBLIC
SCHOOL TEACHERS' PENSION AND
RETIREMENT FUND OF CHICAGO,

By its attorneys,

CRAIG AND MACAULEY
PROFESSIONAL CORPORATION

/s/ Joseph J. Koltun

William R. Moorman, Jr. (BBO#548593)

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UNITED STATES OF AMERICA

By its Attorney,

Michael J. Sullivan

/s/ Christopher R. Donato

Christopher R. Donato

Assistant U.S. Attorney

U.S. Attorney's Office

John Joseph Moakley Courthouse

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(617) 748-3303

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and accurate copy of the foregoing *Joint Motion For Sanctions, Or, In the Alternative, To Compel Garnishee To Turn Over Funds*, to be served on the parties set forth below at the addresses indicated by first-class United States mail postage prepaid:

Leonard A. Frisoli
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Dated: January 17, 2006

/s/ Joseph J. Koltun
Joseph J. Koltun